

## **REMARKS/ARGUMENTS**

### **1.) Examiner's Response to Applicants' Prior Arguments / Impropriety of Final Rejection**

In the prior Office Action, the Examiner rejected claims 17-30 as being anticipated by Li, *et al.* (U.S. Patent Publication No. 2003/0026324). In response, the Applicants made a minor amendment to claims 17, 22, 27 and 29 to make explicit that the step or function of "modulating [a] determined identification code onto a signal **to generate an access request signal** from which transmission path information may be derived" (emphasis added) **is performed by a "requesting network component,"** and submitted arguments pointing out that Li failed to teach the claim limitations of "b) determining an identification code to differentially identify a requesting network component from other network components based on the determined transmission path information, wherein previously an association between identification codes and transmission path information has been established; and c) modulating, by the requesting network component, the determined identification code onto a signal to generate an access request signal from which transmission path information may be derived."

In the present Office Action, the Examiner has rejected Applicants' prior arguments as moot in view of a "new ground(s) of rejection . . . necessitated by Applicant's substantial amendments to the claims 17, 22, 27, 29 which significantly affected the scope of claims thereof." The Examiner's position is untenable. First, the amendments to claims 17, 22, 27 and 29 merely made explicit what was already implicit in the claim limitations, particularly when read in light of the specification; *i.e.*, that the "access request signal" is generated by a "requesting network component." Furthermore, the Examiner's prior rejection was based on the assertion that Li taught all of the claim limitations, yet in the present Office Action the Examiner acknowledges that Li fails to do so, even with respect to claim limitations that the Applicants did not amend. In other words, the Examiner's prior basis of rejection was deficient, and it is now improper for the Examiner to issue the present office action as being a final rejection based on the addition of an additional prior art reference to cure the

acknowledged deficiencies of Li. Accordingly, the Applicants respectfully request that the finality of the present office action be withdrawn.

## 2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected claims 17-30 as being unpatentable over Li, *et al.* (US 2003/0026324) in view of Lim, *et al.* (US 7324465). The Applicants traverse the rejections.

As noted *supra*, the Examiner has acknowledged that Li “does not explicitly discloses [sic] b) determining an identification code to differentially identify a requesting network component from other network components based on the determined transmission path information, wherein previously an association between identification codes and transmission path information has been established; and c) *modulating the determined identification code onto a signal to generate an access request signal from which transmission path information may be derived.*” (emphasis added) To overcome the acknowledged deficiencies of Li, the Examiner now looks to the teachings of Lim. Even if it were accepted as true what the Examiner states is taught by Lim, which the Applicant does not affirm, the Examiner fails to point to any teaching in Lim directed to “modulating [a] determined identification code onto a signal to generate an access request signal from which transmission path information may be derived.” The Applicants specification describes at page 14, line 21, to page 15, line 21, an exemplary mechanism for modulating a determined identification code onto a signal to generate an access request signal from which transmission path information may be derived. The Examiner, however, has not pointed to any similar teaching by Lim.

Moreover, the Examiner asserts that it would have been obvious to incorporate Lim’s teachings, with the teachings of Li, of the “association between the preamble codes and spreading codes as identification codes.” That, however, is not what Applicants have claimed. The Applicants’ claims are based on “an association between identification codes and transmission path information.” (emphasis added) Again, the Examiner does not point to any teaching in Lim relating to transmission path information, much less the “[modulation of a] determined identification code onto a

signal to generate an access request signal from which transmission path information may be derived." Accordingly, Lim fails to overcome the deficiencies in the teachings of Li and, therefore, claim 17 is not obvious in view of those references.

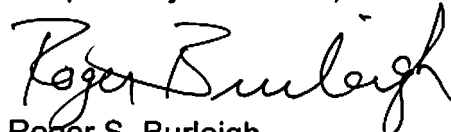
Whereas independent claims 22, 27 and 29 recite analogous limitations, those claims are also not obvious in view Li and Lim. Furthermore, whereas claims 18-21, 23-26, 28 and 30 are dependent from claims 17, 22, 27 and 29, respectively, and include the subject matter thereof, they are also not obvious in view of those references.

### CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 17-30.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Roger S. Burleigh  
Registration No. 40,542

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Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-5799  
roger.burleigh@ericsson.com